

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	09-CR-43-SPF
)	
LINDSEY KENT SPRINGER and)	
OSCAR STILLEY,)	
)	
Defendants.)	

SIXTH MOTION IN LIMINE (Brian Miller)

Lindsey Kent Springer ("Springer") moves the Court for an order prohibiting the Prosecution in this case from presenting Brian Miller as an expert in this case as he personally conducted the audit of Phillip Roberts out of Fort Smith Arkansas and Mr. Roberts testified before the Grand Jury that as a result of that audit Mr. Miller held him liable for certain taxes regarding Ortho/Neuro Medical Association after the money was given to Springer designated as a donation. Springer does not object that Mr. Miller will be a fact witness in this case but since Mr. Miller has already tampered with the evidence in this case regarding Dr. Roberts and the medical association who tendered money to Springer, Mr. Miller would not be capable of giving an objective legal opinion regarding any treatment of any money tendered to Springer by any witness presented at trial including the medical association Dr. Roberts worked for. The Prosecution suggests Mr. Miller will prepare

charts during the trial in regard to certain gross income and expenses in support of the theory of prosecution. This of course is the trick of have the theory adjust as the facts come in. Mr. Miller did not testify before the Grand Jury that Springer is made aware of and only Mr. Shern testified as to the tax consequence under his opinion for each years. Springer is certain Mr. Shern is more than capable of explaining to the jury how he arrived at his tax calculations. Springer has sought the charts mentioned in Shern's recently disclosed Grand Jury testimony and the Prosecution has refused to turn them over at this time.

CONCLUSION

Springer request this Court prohibit the Prosecution from presenting Brian Miller as an expert witness for the jury and Court as he is a fact witness in this case and specifically has spoken with Springer on several occasions and altered certain facts related to Ortho/Neuro Medical Association and Dr. Roberts.

Respectfully Submitted
/s/ Lindsey K. Springer
Lindsey K. Springer
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Lindsey Kent Springer's
Sixth Motion in Limine was ecf'd on September 21, 2009 to:

Kenneth P. Snoke,
Charles O'Reilly,
Oscar Stilley

/s/ Lindsey K. Springer
Signature